

### **REMARKS**

Please reconsider the application in view of the above amendments and the following remarks. Applicant thanks the Examiner for carefully considering this application.

#### **Information Disclosure Statement**

The Applicant respectfully requests that the Examiner indicate that the references cited in the Supplemental Information Disclosure Statement filed on September 12, 2003, have been reviewed by returning an initialed copy of the corresponding PTO-1449 Form.

#### **Disposition of Claims**

Claims 1-3, 5-9, 11-18 and 38 were pending in the application. Claims 5 and 13 have been cancelled without prejudice or disclaimer. Accordingly, claims 1-3, 6-9, 11-12, 14-18 and 38 are now pending. Claims 1 and 11 are independent. The remaining claims depend, directly or indirectly, from claims 1 and 11.

#### **Claim Amendments**

Claims 1 and 11 has been amended to clarify that cache comprises a plurality of proxies, and that each of the plurality of attributes is stored in one the plurality of proxies. Support for the above amendments may be found, for example, in cancelled claims 5 and 13 as well as in paragraph [0029] of the application. Dependent claims 6, 7, and 14-16 have been amended to address antecedent basis issues and claim dependency issues arising from the amendment of claims 1 and 11

and the cancellation of claims 5 and 13. No new matter has been added by any of the aforementioned amendments.

### **Applicant's Response to "Claim Interpretation" Section**

The Applicant notes the Examiner's attempt to define various terms in the claims. At the outset, the Applicant respectfully notes that they do not accept all of the Examiner's claim interpretations as currently written. However, in an attempt to further prosecution, the Applicant offers the following definitions for the claim terms addressed by the Examiner in this section.

With respect to the clause "the state manager interposed between the client and the service component," the Applicant respectfully requests that this phrase is construed to mean that the "state manager" is located between the client and the service component, such that at least some of the communication between the client and the service component is routed through the state manager. Support for this interpretation may be found, for example, in paragraphs [0025]- [0026] of the Application..

With respect to the clause "request the service component to obtain the plurality of data attributes on the list," the Applicant respectfully notes that claim 1 is intended to capture the following: (i) the state manager determines *what* data attributes are required to represent the state of the application and then proceeds to generate a data structure (*i.e.*, a list) that includes the names (or other similar information) of the attributes that are required and (ii) the list is then sent to the service component, which then proceeds to obtain the attributes (*i.e.*, the actual data) listed on the list from the server (*see e.g.*, Application, [0028]). Thus, the Applicant respectfully requests that clause "request the service component to obtain the plurality of data attributes on the list," be construed to

mean sending a listing, by the state manager, of *what* attributes are to be retrieved to the service component.

With respect to the clause “state of the application” the Applicant accepts the Examiner’s interpretation.

### **Applicant’s Response to “Response to Arguments” Section**

With respect to Examiner’s Response in paragraph 6 of the Office Action mailed February 21, 2006, the Applicant responds as follows. The Applicant respectfully disagrees with the Examiner’s interpretation of U.S. Patent No. 6,226,690 (“Banda”). Specifically, as a result of the Examiner’s continued assertion that Banda teaches all *four* components listed in the claims, an explicit limitation of the claims has been improperly read out.

Briefly, amended claim 1 requires, in part, a state manager, a client, a service component and a server. Further, the state manager is interposed between the client and the service component and the service component is interposed between the state manager and the server. The above “structural” limitations require the following relative layout of components, from a communication perspective, in the system:

Client ↔ State Manager ↔ Service Component ↔ Server<sup>1</sup>

In addition, the state manager, as explicitly recited in amended claim 1, is configured to: (i) generate a list of a plurality of data attributes required to represent a state of an application in the distributed system; (ii) request the service component to obtain the plurality of data attributes on the list, and (iii) cache the plurality of data attributes such that the plurality of data attributes are locally

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<sup>1</sup> *see also* Application, Figure 2

accessible to the client wherein the cache comprises a plurality of proxies, and wherein each of the plurality of attributes is stored in one the plurality of proxies. Finally, the service component, as explicitly recited in the claims, is configured to fetch the plurality of data attributes from the server based on the list.

Turning to the Examiner's comments in paragraph 6, the Examiner has asserted that the SOMDServer is equivalent to the state manager and that the DSOM Daemon is equivalent to the service component. The Applicant respectfully asserts that the SOMDServer is not equivalent to the state manager. Specifically, the claims require that the state manager be configured to generate a list of a plurality of data attributes required to represent a state of an application in the distributed system. Said another way, the claims require that the state manager create a list of two or attributes that are required to represent the state of the application. Nothing in Banda teaches or suggests that the SOMDServer generates a listing of a *plurality* of attributes to represent the *state of the application*. If fact, Banda only teaches that the SOMDServer can request the server process to generate a *proxy* (e.g., the Calc (proxy)) and receive the *proxy* once generated, *see* Banda col. 7, l. 58- col. 8, l. 23). However, as recited in the amended claims, the attributes are retrieved from the server and stored in the corresponding proxies located on the client. Thus, the retrieved plurality of attributes cannot be equivalent to a proxy. Accordingly, the SOMDServer cannot be equivalent to the state manager.

The Applicant respectfully asserts that the DSOM Daemon is not equivalent to the service component. As discussed above, the DSOM Daemon is only configured to forward requests to the server to create proxies, *see* Banda col. 7, l. 58- col. 8, l. 23, without any teaching or suggestion that the DSOM Daemon is configured to search for attributes. Note that a proxy is not equivalent to an

attribute as the claims explicitly require the proxies to store attributes. Accordingly, any attempt to equate a proxy to an attribute reads out an explicit limitation of the claims and it improper. In view of the fact that the DSOM Daemon merely facilitates the generation, retrieval, and transportation of proxies and that the proxies are not equivalent to the attributes, the DSOM Daemon cannot be equivalent to the service component.

With respect to Examiner's Response in paragraph 7 of the Office Action mailed February 21, 2006, the Applicant responds, as necessary, in responding to the rejection under 35 U.S.C. § 103(a).

#### **Rejections under 35 U.S.C. § 103**

Claims 1-3, 5-9, 11-18 and 38 stand rejected under 35 U.S.C. § 103 as being unpatentable over U.S. Patent No. 6,226,690 ("Banda") in view of WO 00/58853 ("WO"). Claims 5 and 13 have been cancelled by this reply. Thus, the rejection is now moot with respect to cancelled claims 5 and 13. To the extent that this rejection still applies to the pending claims, this rejection is respectfully traversed.

To establish a *prima facie* case of obviousness "...the prior art reference (or references when combined) must teach or suggest all the claim limitations." (See MPEP § 2143.03). Further, "all words in a claim must be considered in judging the patentability of that claim against the prior art." (See MPEP § 2143.03). The Applicant respectfully asserts that the references fail to teach or suggest all the claim limitations of amended independent claim 1.

Specifically, Banda, as discussed above, fails to teach a state manager as recited in the claims. In particular, Banda does not teach any component that could be considered equivalent to

the state manger. The Examiner has attempted to equate the SOMDServer with the state manager. However, the SOMDServer, as discussed above, only includes functionality to request and receive proxies but does not include any functionality to (i) generate a list of attributes to request and (ii) request such attributes and (iii) receive and store the attributes in the corresponding proxies. In addition, Banda, as discussed above, fails to teach a service component as recited in the claims.

Further, the listing in the repository of Banda is not equivalent to the “listing of a plurality of data attributes” as recited in the claim. Specifically, as recited in the claims, the list of a plurality of data attributes is required to represent a state of an application in the distributed system. The Examiner has attempted to equate the repository in Banda as teaching “listing of a plurality of data attributes” (*see* Office Action mailed February 21, 2006, p. 4, ll 1-13). The repository of Banda does not include a listing of attributes required to represent a state of the application. Rather, the repository only includes “information regarding how to communicate with objects located on other hosts or processes” (*see* Banda, col. 5, ll. 64-65). Information about communication is clearly not equivalent to a listing of attributes required to represent a state of the application, where the attributes are stored in the appropriate proxies on the client.

Further, WO does not teach that which Banda lacks. This is evidenced by the fact that WO is only relied upon to teach the limitation “where the attributes represent the state of the application.” (*See* Office Action mailed February 21, 2006, p. 4).

In view of the above, neither Banda nor WO, whether considered separately or in combination, teach or suggest all the limitations of amended independent claim 1. Thus, amended independent claim 1 is patentable over Banda and WO. Amended independent claim 11 includes the same patentable limitations as amended independent claim 1 and, thus, is patentable over Banda

and WO for at least the same reasons as amended independent claim 1. Pending dependent claims are allowable for at least the same reasons as the amended independent claims from which they depend. Withdrawal of this rejection is respectfully requested.

Claim 38 stands rejected under 35 U.S.C. § 103 as being unpatentable over Banda in view of WO and further in view of U.S. Patent No. 5,925,100 ("Drewry"). To the extent that this rejection applies to amended claim 38, the rejection is respectfully traversed.

Amended claim 38 depends from amended independent claim 1. As discussed above, neither Banda nor WO teach or suggest all the limitations recited in amended independent claim 1. Further, Drewry does not teach that which Banda and WO lack. This is evidenced by the fact that Drewry is only relied upon to teach "prefetching data." (*See* Office Action mailed February 21, 2006, p. 5).

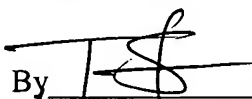
In view of the above, Banda, WO, and Drewry, whether considered separately or in combination, do not teach or suggest all the limitations of amended independent claim 1. Thus, amended independent claim 1 is patentable over Banda and WO. Dependent claim 38 is allowable for at least the same reasons as the amended independent claim 1. Withdrawal of this rejection is respectfully requested.

**Conclusion**

Applicant believes this reply is fully responsive to all outstanding issues and places this application in condition for allowance. If this belief is incorrect, or other issues arise, the Examiner is encouraged to contact the undersigned or his associates at the telephone number listed below. Please apply any charges not covered, or any credits, to Deposit Account 50-0591 (Reference Number 16159/026001; P6937).

Dated: May 22, 2006

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